

## REMARKS

Claims 5 and 10-12 were rejected as being in improper form under United States law because they contain improper multiple dependencies. In addition, claims 13 and 14 were rejected because they are improper omnibus claims. The dependencies of claims 5 and 10-12 have been corrected and claim 13 and 14 have been canceled.

Claims 1-4, 6 and 7 were rejected under 35 U.S.C. §103(a) as being obvious over WO 2004/026382 to Kramer et al. in view of United States Patent No. 5,460,172 to Eckerbom et al. Claims 8 and 9 were rejected under 35 U.S.C. §103 as allegedly being obvious over Kramer in view of Eckerbom and further in view of United States Patent No. 5,992,413 to Martin, Jr. Applicant has concurrently submitted a *Declaration to Disqualify Commonly Owned Patent as Prior Art* and a Terminal Disclaimer in accordance with 37 C.F.R. §1.130 to overcome the rejection based on Kramer. Withdrawal of the rejection is requested.

Claims 1 and 2 were rejected under 35 U.S.C. §103 as allegedly being obvious over United States Patent No. 6,397,841 to Kenyon in view of Eckerbom. Reconsideration and withdrawal of the rejection is requested.

Claim 1 has been amended to specify "a removable filter in said inlet of said humidifier to filter said gases entering said humidifier and protect said pressurised gases supply and said housing from contamination". As specified in Col. 4, lines 63-64, the filter of Eckerbom is sealed to the lower part by welding. Therefore, the filter of Eckerbom is not removable in the conventional sense. The filter as claimed sits in the inlet to a humidifier chamber is very easily removable. Further, the filter of Eckerbom protects downstream, whereas the filter as claimed protects the pressurised gases supply and the housing from contamination so that they can be

reused. Therefore, Applicant submits that the claims of the present invention are inventive over the combination of Kenyon and Eckerbom. Reconsideration and allowance is requested.

Claims 3 and 4 were rejected under 35 U.S.C. §103 as allegedly being obvious over Kenyon in view of Eckerbom and further in view of United States Patent No. 7,096,864 to Mayer. Claims 3 and 4 are dependent upon claim 1 which Applicant submits is in condition for allowance. Therefore, Applicant submits that claims 3 and 4 are allowable. Reconsideration and allowance is requested.

Claim 6 was rejected under 35 U.S.C. §103 as allegedly being obvious over United States Patent No. 6,398,197 to Dickinson in view of Eckerbom. Reconsideration and withdrawal of the rejection is requested.

Claim 1 has been amended to specify "a removable filter on or over said inlet to said container to filter said gases to said container". As specified in Col. 4, lines 63-64, the filter of Eckerbom is sealed to the lower part by welding. Therefore, the filter of Eckerbom is not removable in the conventional sense. Therefore, Applicant submits that the claims of the present invention are inventive over the combination of Dickinson and Eckerbom. Reconsideration and allowance is requested.

Claim 7 was rejected under 35 U.S.C. §103 as allegedly being obvious over Dickinson in view of Eckerbom and further in view of German DE 10,226,160 to Hoffrichter and Kenyon. Claims 8 and 9 were rejected under 35 U.S.C. §103 as allegedly being obvious over Dickinson in view of Eckerbom, Hoffrichter and Kenyon, and further in view of Martin, Jr. Claims 7-9 are dependent upon claim 6 which Applicant submits is in condition for allowance. Therefore, Applicant submits that claims 7-9 are allowable. Reconsideration and allowance is requested.

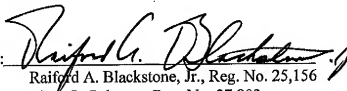
A Petition for a One-Month Extension of Time is concurrently submitted herewith to extend the date for response up to and including June 22, 2009 (June 20, 2009 having fallen on a Saturday).

Should the Examiner have any questions regarding this Amendment, the Examiner is invited to contact one of the undersigned attorneys at (312) 704-1890.

Respectfully submitted,

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By:

  
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